

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF PENNSYLVANIA

MICHAEL N. VITANOVICH)	
)	
Plaintiff,)	
)	
v.)	Case No.: 2:21-CV
)	
QUEST DIAGNOSTICS, INC., .)	
TRANSWORLD SYSTEMS,)	
AND EQUIFAX)	
)	
Defendants.)	
)	

NOTICE OF REMOVAL

Now INTO COURT, through undersigned counsel, comes Defendant, Transworld Systems, Inc. (TSI), incorrectly identified as Transworld Systems in the Complaint, and, pursuant to 28 U.S.C. § 1441 & 1446, *et seq.*, hereby removes from the County Court of Allegheny County for the Commonwealth of Pennsylvania, the following described and captioned lawsuit, and respectfully shows:

1. TSI is a defendant in the civil action filed by plaintiff, Michael N. Vitanovich, in the County Court of Allegheny County for the Commonwealth of Pennsylvania, captioned as *Michael N. Vitanovich v. Quest Diagnostics Inc., Transworld Systems, and Equifax*, Docket No. MJ-05219-CV-0000105-2021 (hereinafter the “State Court Action”).

2. Pursuant to 28 U.S.C. §§ 1441 & 1446, TSI removes plaintiff’s State Court Action to this Court, which is the judicial district in which the State Court Action is

pending. Removal of plaintiff's State Court Action is proper under 28 U.S.C. §§ 1441, *et seq.* & 28 U.S.C. § 1331 and 15 U.S.C. § 1681.

3. TSI was served with the State Court Action Complaint on July 21, 2021. This Notice of Removal is filed within 30 days of receipt of the complaint by TSI and is therefore timely filed pursuant to 28 U.S.C. § 1446(b).

4. A copy of all process, pleadings and orders served upon TSI in the State Court Action is being filed with this Notice and is attached hereto as **Exhibit A**.

5. The Complaint asserts state law claims which are wholly preempted by the Fair Credit Reporting Act (FCRA), 15 U.S.C. §§ 1681, *et seq*

6. The Fair Credit Reporting Act, (hereinafter the "FCRA") in pertinent part states, "Limitation of liability: Except as provided in sections 1681n and 1681o¹ of this title, no consumer may bring any action or proceeding in the nature of defamation, invasion of privacy, or negligence with respect to the reporting of information against any person who furnishes information to a consumer reporting agency, based on information disclosed pursuant to section 1681g, 1681h, or 1681m of this title, ... except as to false information furnished with malice or willful intent to injure such consumer."

See 15 U.S.C. § 1681h(e).²

7. This FCRA preemption is a complete and total defense to Plaintiff's state law claims as pled against TSI that pertain to credit reporting.

¹ Sections 1681n and 1681o do not apply.

² Plaintiff has not alleged any malice or willful intent to injure.

8. The FCRA governs credit reporting, and Plaintiff's claims are precisely the claims that Congress sought to preempt when it passed the FCRA. *See* 15 U.S.C. § 1681h(e). *See Gorman v. Wolpoff & Abramson*, 584 F.3d 1147 (9th Cir. 2009).

9. As of the date of this filing, all named defendants that have been served with the State Court Action Complaint consent to removal of the State Court Action.

10. For the foregoing reasons, removal is proper.

WHEREFORE, Transworld Systems Inc. respectfully requests that this case proceed in Federal Court as an action properly removed from County Court of Allegheny County, Commonwealth of Pennsylvania, and for such other relief as this Court deems just and proper.

Date: August 20, 2021

Respectfully Submitted,

s/ Danielle M. Vugrinovich
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CERTIFICATE OF SERVICE

I hereby certify that on the August 20, 2021 a copy of the foregoing was served via US Regular Mail and e-mail on the following:

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